

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
MARCH 14, 2000**

PRESENT: Roy Pfeffer, Rick Unbehaun, Daniel Densow, and Bonnie Gift

EXCUSED: W. Robert Cress and Peter Schils

STAFF PRESENT: Cletus Hansen, Becky Fry; Jacquelynn Rothstein, Legal Counsel,
Division of Enforcement staff, for portions of the meeting

GUESTS: Mark Paget, WFDA
John Houck, Advisory Committee on FD Apprenticeship Issues
Kathy O'Sullivan, Advisory Committee on FD Apprenticeship Issues
Mark Krause, FSA and Advisory Committee on FD Apprenticeship
Issues
Christine Jacob, FSA
Ashley Moore, FSA
Pete Christianson, Quarles and Brady, LLP

CALL TO ORDER

The meeting was called to order at 9:34 a.m. by Roy Pfeffer, Chair. A quorum of four members was present.

AGENDA

MOTION: Daniel Densow moved, seconded by Bonnie Gift, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (1/18/00)

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings distributed a memo dated March 13, 2000, relating to an article that appeared in the Janesville Gazette entitled "A Man's Care For Cemetery Restores Respect." Noted.

Secretary Cummings discussed the bill drafted by the agency to regulate cemeteries which was one of three bills. She proposed that the bills be separated and that the authors ought to work primarily with the parts of these bills that deal with the maintenance and prevention of problems

of cemeteries and a committee ought to be set up to look at the consumer management fund provisions in one or other bill.

Clete Hansen indicated that the Cemetery Task Force would be meeting within the next month to review the bill drafts.

Secretary Cummings indicated that she is not in support of the Board's proposal to draft a bill to regulate crematories because it would put under the Board the two industries of funeral homes and cemetarians. She felt that because both professions deal with cremations, the department should regulate crematoriums.

Daniel Densow explained that much of that information presented in regard to the regulation of crematories came from model laws from the Cremation Association of North America, which consists of an even split of membership between cemetarians and funeral directors.

Secretary Cummings indicated that cremation is on the rise and whatever laws are made must represent both professions.

Secretary Cummings indicated that the bill relating to the certificates in good standing is up for a hearing, which is scheduled for March 22, 2000 at 8:00 a.m. in room 328 NW of the Capitol.

Roy Pfeffer clarified that the Board's purpose is to protect the public and uphold the level of professionalism for funeral directors. He indicated that the Board felt their recommendation of requiring 30 CEU's and 10 embalmings of an applicant for a regular license, who currently holds a certificate in good standing, was necessary to uphold the standards of the profession.

Members explained that there have been a number of changes over the past 10-20 years involving communicable diseases and pre-need insurance laws and those individuals who have been out of the profession need to be educated on these issues.

Secretary Cummings explained that the problem is that individuals who were granted the certificates in good standing from the state regulatory body feel they were deceived. She indicated that the certificates in good standing should never have been created.

Secretary Cummings informed the Board that William Conway is the new Deputy Secretary of the Department.

Bureau Director's Report

Board Roster

The Board received an updated roster. Noted.

2000 Meeting Dates

Clete Hansen referred to Mark Paget's January 19, 2000, letter indicating a conflict of the WFDA State Convention with the meeting scheduled for May 16, 2000.

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to reschedule the 5/16/00 meeting to May 23, 2000. Motion carried unanimously.

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

Credential Holder Query

Clete Hansen informed the Board that the verification service was now available on the Internet to check on licensees.

The Board received copies of The Conference Report for Fall 1999 and Winter 2000, from the International Conference of Funeral Service Examining Boards, Inc., and a draft of the 1999 Assembly Bill 869. Noted.

LEGISLATIVE UPDATE

Regulation of Crematories

Daniel Densow commented that the proposed bill may be one of the few things that cemeterians and funeral directors may agree on. He requested that Clete Hansen share the proposed bill with the Cemetery Advisory Committee.

Daniel Densow indicated that any cemetery in Wisconsin that operates a crematory more than likely belongs to the Cremation Association of North America and they are familiar with the proposed regulation of crematories and would be in support of the legislation.

Daniel Densow recommended the Board members review the proposed legislation. He also informed the Board that two areas that were not covered in the legislation are the issue on how pre-arranged funeral contracts should affect at-need cremations and the certification of crematory operators. He indicated that the information included in the agenda packet regarding the regulation of crematories is what the committee recommends be submitted.

Roy Pfeffer suggested that Jacquelynn Rothstein review the proposed legislation and prepare a memo relating to the draft to be submitted to the LRB.

The Board agreed that the issue of the regulation of crematories should be kept separate from the bill relating to the regulation of cemeteries.

Clete Hansen brought up the issue of the definition of a cemetery in relation to the disposition of cremains and the need to license as a cemetery, anyone who charges fees for and creating a place for storing cremains.

Roy Pfeffer indicated that if legislation were to be introduced mandating ashes to be buried in a cemetery, the Board would oppose this legislation.

Update and Action Relating to Unspecified Bills That May Have Been Introduced

Clete Hansen informed the Board that 1999 AB 869 has been introduced by the Legislature and the Board's position on the bill is on record from the January 18, 2000 meeting.

Assembly Bill 258 and Senate Bill 257 – Minimum Benefit Requirements for Life Insurance Policies

Clete Hansen reviewed the history and progress of AB 258 and SB 257.

A representative from FSA indicated that both bills have been amended; however, both amendments are the same. The bill passed in the Assembly and is waiting for the Senate, which will meet next week.

1999 Senate Bill 69 – Seasonal Burials

Clete Hansen reviewed the history of SB 69 and indicated that the bill is through the Senate.

Mark Paget indicated that there is a good chance of the bill getting through the Assembly within the next three weeks.

1999 Senate Bill 307 – Amount of Irrevocable Trusts

Clete Hansen reviewed the history of SB 307 and indicated that it had not progressed very far at this point.

Mark Paget indicated that the bill has a fiscal note attached to it and it will have to go to the Department of Financial Institutions.

ADMINISTRATIVE RULES

Rules Relating to Apprentices

Discussion was moved to the Report of the Advisory Committee on Funeral Director Apprenticeship Issues.

EXAMINATION ISSUES

Roy Pfeffer clarified that the passing grade is 75.

Nothing further to discuss.

BOARD MEMBER ACTIVITY

Nothing to report.

REPORT OF THE ADVISORY COMMITTEE ON FUNERAL DIRECTOR APPRENTICESHIP ISSUES

Roy Pfeffer complimented the Advisory Committee on their work in drafting the Funeral Director Apprenticeship Training Workbook.

The Board and Advisory Committee members present reviewed the workbook and suggested additional revisions.

Clete Hansen indicated that a draft of the combined application form will be included in the agenda packet for the next meeting.

Further discussion was tabled until the next meeting.

MONITORING OF CONTINUING EDUCATION

Roy Pfeffer indicated that a previous Regulatory Digest notified membership that there would be no more mandatory random checking of continuing education credits. The article emphasized that continuing education credits will be checked when a complaint is brought against an individual.

Clete Hansen indicated that the Bureau would monitor new cases opened for investigation and send out letters requesting proof of continuing education credits so it is not part of the investigation process.

MOTION: Roy Pfeffer moved, seconded by Daniel Densow, authorize a member of the department to send a letter requiring proof of continuing education credits of any funeral director who has a complaint brought against him or her and the case is opened for investigation. Motion carried unanimously.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Nothing to discuss.

NEW BUSINESS

Nothing to discuss.

PUBLIC COMMENTS

John Houck thanked the Board for helping to finalize the Funeral Director Apprenticeship Training Workbook.

RECESS TO CLOSED SESSION

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Rick Unbehaun-yes; Dan Densow-yes; Bonnie Gift-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 1:05 p.m.

CLOSED SESSION

The Board received a copy of the Case Status Report.

The Board deliberated on a case closing, two apprenticeship applications, one apprenticeship extension request, and disciplinary matters.

RECONVENE IN OPEN SESSION

MOTION: Bonnie Gift moved, seconded by Daniel Densow, to reconvene in Open Session at 2:42 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSING

The Board requested the Division of Enforcement to continue to pursue action on case 99 FDR 024.

APPRENTICESHIP APPLICATION

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to approve Tom F. Jordan to sit for the reciprocal exam; however, the Board notes that the applicant will not be eligible for a Funeral Director license even if the applicant passes the exam because the applicant has not completed two years of coursework. Motion carried unanimously.

MOTION: Daniel Densow moved, seconded by Bonnie Gift, to approve the Funeral Director Apprenticeship application for James Burns. Motion carried unanimously.

APPRENTICESHIP ISSUE

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to deny an extension of time on the Funeral Director Apprentice Permit for John Burgbacher. Motion carried unanimously.

ADJOURNMENT

By consensus the meeting was adjourned at 2:45 p.m.